

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOLYN GALE,

Defendant.

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Case No. 8:11CR151

ORDER

This case is before the court on the defendant's Motion to Disclose Identity of Confidential Informant and Request for Evidentiary Hearing [20]. The defendant is charged in Count I of an Indictment [1] with distribution of methamphetamine (actual) and in Count II of distribution of methamphetamine.

The defendant alleges that the first confidential informant was a witness to and an active participant in the conduct charged in Count I on March 29, 2011. She further alleges that the second confidential informant was a witness to and an active participant in the conduct charged in Count II on March 30, 2011. The defendant states that this information is essential to a fair determination of this matter.

The court received the government's Response to Defendant's Motion to Disclose Identity of Confidential Informant [22]. In its response, the government states that the first confidential informant had nothing to do with the investigation of the defendant and was not a witness to any transactions involving the defendant. The government further states that the identity of the second confidential informant is already known to the defendant.

The defendant was ordered to file a reply to the government's response on or before July 29, 2011 [24]. The reply has not been received by the court.

Based on the government's brief which I deem factually correct and on the failure of the defendant to reply to the government's response, the Motion to Disclose Identity of Confidential Informant and Request for Evidentiary Hearing [20] is denied.

IT IS ORDERED:

1. The Defendant's Motion to Disclose Identity of Confidential Informant and Request for Evidentiary Hearing [20] is denied.

2. A party may object to a magistrate judge's order by filing an "Objection to Magistrate Judge's Order" within 14 days after being served with the order. The objecting party must comply with all requirements of NECrimR 59.2.

Dated this 3rd day of August, 2011.

BY THE COURT:

S/ F. A. Gossett, III
United States Magistrate Judge